

Fill in this information to identify your case:

United States Bankruptcy Court for the:

WESTERN DISTRICT OF NEW YORK

Case number (if known) _____ Chapter 11

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

4/19

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Acme Holdings of N.Y., Inc.

2. All other names debtor used in the last 8 years

DBA Dibble Family Center

Include any assumed names, trade names and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN) 20-5102353

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

4120 West Main Street Road
Batavia, NY 14020

Number, Street, City, State & ZIP Code

Genesee

County

P.O. Box, Number, Street, City, State & ZIP Code

Location of principal assets, if different from principal place of business

4110 West Main Street Road Batavia, NY 14020

Number, Street, City, State & ZIP Code

5. Debtor's website (URL) dibbleevents.com

6. Type of debtor
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))
☐ Partnership (excluding LLP)
☐ Other. Specify: _____

7. Describe debtor's business

A. Check one:

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
☐ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
☐ Railroad (as defined in 11 U.S.C. § 101(44))
☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
☒ None of the above

B. Check all that apply

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor.
See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

7225

8. Under which chapter of the Bankruptcy Code is the debtor filing?

Check one:

- ☐ Chapter 7
☐ Chapter 9

☒ Chapter 11. Check all that apply:

- ☐ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625 (amount subject to adjustment on 4/01/22 and every 3 years after that).
☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). If the debtor is a small business debtor, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if all of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
☐ A plan is being filed with this petition.
☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11 (Official Form 201A) with this form.
☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12

9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?

☒ No.

☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?

☒ No

☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor	_____	Relationship	_____
District	_____	When	_____
		Case number, if known	_____

11. Why is the case filed in this district?*Check all that apply:*

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?☒ No☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (*Check all that apply.*)☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard? _____

☐ It needs to be physically secured or protected from the weather.☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).☐ Other _____**Where is the property?**

Number, Street, City, State & ZIP Code _____

Is the property insured?☐ No☐ Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information**13. Debtor's estimation of available funds***Check one:*

- ☒ Funds will be available for distribution to unsecured creditors.
- ☐ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors☒ 1-49☐ 50-99☐ 100-199☐ 200-999☐ 1,000-5,000☐ 5001-10,000☐ 10,001-25,000☐ 25,001-50,000☐ 50,001-100,000☐ More than 100,000**15. Estimated Assets**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion**16. Estimated liabilities**☐ \$0 - \$50,000☐ \$50,001 - \$100,000☐ \$100,001 - \$500,000☐ \$500,001 - \$1 million☒ \$1,000,001 - \$10 million☐ \$10,000,001 - \$50 million☐ \$50,000,001 - \$100 million☐ \$100,000,001 - \$500 million☐ \$500,000,001 - \$1 billion☐ \$1,000,000,001 - \$10 billion☐ \$10,000,000,001 - \$50 billion☐ More than \$50 billion

Debtor **Acme Holdings of N.Y., Inc.**
Name

Case number (if known)

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature
of authorized
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **February 5, 2020**
MM / DD / YYYY

X /s/ Michael S. Tomaszewski
Signature of authorized representative of debtor

Title **President**

Michael S. Tomaszewski
Printed name

18. Signature of attorney

X /s/ David H. Ealy, Esq.
Signature of attorney for debtor

Date **February 5, 2020**
MM / DD / YYYY

David H. Ealy, Esq. 2020832
Printed name

CRISTO LAW GROUP LLC
Firm name

d/b/a Trevett Cristo
Two State Street, Suite 1000
Rochester, NY 14614
Number, Street, City, State & ZIP Code

Contact phone **(585) 454-2181** Email address **dealy@treveccristo.com**

2020832 NY
Bar number and State

Fill in this information to identify the case:

Debtor name Acme Holdings of N.Y., Inc.

United States Bankruptcy Court for the: WESTERN DISTRICT OF NEW YORK

Case number (if known) _____

☐ Check if this is an amended filing

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- ☐ *Schedule A/B: Assets—Real and Personal Property* (Official Form 206A/B)
- ☐ *Schedule D: Creditors Who Have Claims Secured by Property* (Official Form 206D)
- ☐ *Schedule E/F: Creditors Who Have Unsecured Claims* (Official Form 206E/F)
- ☐ *Schedule G: Executory Contracts and Unexpired Leases* (Official Form 206G)
- ☐ *Schedule H: Codebtors* (Official Form 206H)
- ☐ *Summary of Assets and Liabilities for Non-Individuals* (Official Form 206Sum)
- ☐ Amended Schedule _____
- ☒ *Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders* (Official Form 204)
- ☐ Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2020

X /s/ Michael S. Tomaszewski

Signature of individual signing on behalf of debtor

Michael S. Tomaszewski

Printed name

President

Position or relationship to debtor

Fill in this information to identify the case:

Debtor name **Acme Holdings of N.Y., Inc.**
 United States Bankruptcy Court for the: **WESTERN DISTRICT OF NEW YORK**
 Case number (if known): _____

☐ Check if this is an
 amended filing

Official Form 204**Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders****12/15**

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an insider, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

Name of creditor and complete mailing address, including zip code	Name, telephone number and email address of creditor contact	Nature of claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
				Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
Camillo, David 494 Reiman St. Buffalo, NY 14212		Sale and delivery of meat products to Acme	Disputed			\$4,956.00
Complete Business Solutions Group 141 N. 2nd Street Philadelphia, PA 19106		Furniture, fixtures and equipment		\$283,312.00	\$30,000.00	\$253,312.00
EB Funding, LLC c/o Williams, Babbitt & Weisman, Inc. 1001 Yamato Road, Suite 302 Boca Raton, FL 33431		Factoring loan				\$10,790.00
Kevin Bezon Enterprises, Inc. 4589 Ridge Road Morton, NY 14508		Contractor work on real property				\$30,000.00
Northwest Bank 100 Liberty Street P.O. Box 128 Warren, PA 16365		RE - 4120 W. Main St. Rd.		\$442,304.00	\$295,000.00	\$147,304.00
NYS Department of Taxation & Finance Attn: BK Unit P.O. Box 5300 Albany, NY 12205		Corp./sales				\$16,240.00
Steuben Trust Company One Steuben Square Hornell, NY 14843-0647		RE - 4110 West Main Street Road		\$119,114.00	\$98,000.00	\$35,081.00
U.S. Small Business Administration 50 Beaver St. Albany, NY 12207		RE - 4120 West Main St. Rd.		\$103,570.00	\$295,000.00	\$23,604.00

**United States Bankruptcy Court
Western District of New York**

In re **Acme Holdings of N.Y., Inc.**

Debtor(s)

Case No.

Chapter **11**

LIST OF EQUITY SECURITY HOLDERS

Following is the list of the Debtor's equity security holders which is prepared in accordance with rule 1007(a)(3) for filing in this Chapter 11 Case

Name and last known address or place of business of holder	Security Class	Number of Securities	Kind of Interest
Michael S. Tomaszewski 43 Edgewood Drive Batavia, NY 14020	Common	200	Shareholder

DECLARATION UNDER PENALTY OF PERJURY ON BEHALF OF CORPORATION OR PARTNERSHIP

I, the **President** of the corporation named as the debtor in this case, declare under penalty of perjury that I have read the foregoing List of Equity Security Holders and that it is true and correct to the best of my information and belief.

Date **February 5, 2020**

Signature **/s/ Michael S. Tomaszewski
Michael S. Tomaszewski**

*Penalty for making a false statement of concealing property: Fine of up to \$500,000 or imprisonment for up to 5 years or both.
18 U.S.C. §§ 152 and 3571.*

**United States Bankruptcy Court
Western District of New York**

In re **Acme Holdings of N.Y., Inc.**

Debtor(s)

Case No.

Chapter

11

VERIFICATION OF CREDITOR MATRIX

I, the President of the corporation named as the debtor in this case, hereby verify that the attached list of creditors is true and correct to the best of my knowledge.

Date: **February 5, 2020**

/s/ Michael S. Tomaszewski

Michael S. Tomaszewski/President

Signer/Title

Alex M. Neuhohr, Esq.
HoganWillig
2420 North Forest Road, Suite 301
Getzville, NY 14068

Batavia City School District
P.O. Box 6757
Ithaca, NY 14851

Brownell, Gary & Mary Ann
1134 Marigold Ln.
Albuquerque, NM 87122

Camillo, David
494 Reiman St.
Buffalo, NY 14212

Complete Business Solutions Group
141 N. 2nd Street
Philadelphia, PA 19106

Dibble, Maura Newstead-Dibble
3330 Pratt Road
Batavia, NY 14020

EB Funding, LLC
c/o Williams, Babbitt & Weisman, Inc.
1001 Yamato Road, Suite 302
Boca Raton, FL 33431

Empire State Certified Development Corp.
50 Beaver St.
Albany, NY 12207

Genesee County Treasurer
Building No. 1, Main and Court Streets
Batavia, NY 14020

Internal Revenue Service
Insolvency Section
P.O. Box 7346
Philadelphia, PA 19101-7346

Kevin Bezon Enterprises, Inc.
4589 Ridge Road
Morton, NY 14508

Northwest Bank
100 Liberty Street
P.O. Box 128
Warren, PA 16365

NYS Department of Taxation & Finance
Attn: BK Unit
P.O. Box 5300
Albany, NY 12205

Rupp Baase Pfalzgraf Cunningham LLC
400 Powers Building
16 W. Main St.
Rochester, NY 14614

Shuknecht, Lee and Joan
6277 Oak Orchard Rd.
Elba, NY 14058

Steuben Trust Company
One Steuben Square
Hornell, NY 14843-0647

Tomaszewski, Michael S.
43 Edgewood Dr.
Batavia, NY 14020

Tomaszewski, Valerie
4120 West Main Street Road
Batavia, NY 14020

Tomaszewski, Valerie
43 Edgewood Dr.
Batavia, NY 14020

U.S. Small Business Administration
50 Beaver St.
Albany, NY 12207

Valz, Noman M.
205 Arch Street
2nd Floor
Philadelphia, PA 19106

**United States Bankruptcy Court
Western District of New York**

In re **Acme Holdings of N.Y., Inc.**

Debtor(s)

Case No.

Chapter

11

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for **Acme Holdings of N.Y., Inc.** in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation's(s') equity interests, or states that there are no entities to report under FRBP 7007.1:

☒ None [*Check if applicable*]

February 5, 2020

Date

/s/ David H. Ealy, Esq.

David H. Ealy, Esq. 2020832

Signature of Attorney or Litigant

Counsel for **Acme Holdings of N.Y., Inc.**

CRISTO LAW GROUP LLC

d/b/a Trevett Cristo

Two State Street, Suite 1000

Rochester, NY 14614

(585) 454-2181 Fax:(585) 454-4026

dealy@treveccristo.com

FORM G
United States Bankruptcy Court
Western District of New York

In re Acme Holdings of N.Y., Inc.

Debtor(s)

Case No.

Chapter

11

**DECLARATION RE: ELECTRONIC FILING OF
PETITION, SCHEDULES & STATEMENTS**

PART I - DECLARATION OF PETITIONER

I (WE) Michael S. Tomaszewski and _____, the undersigned debtor(s), **hereby declare under penalty of perjury** that the information provided in the electronically filed petition, statements, and schedules is true and correct and that I signed these documents prior to electronic filing. I consent to my attorney sending my petition, statements and schedules to the United States Bankruptcy Court. I understand that this DECLARATION RE: ELECTRONIC FILING is to be executed at the First Meeting of Creditors and filed with the Trustee. I understand that failure to file the signed original of this DECLARATION may cause my case to be dismissed pursuant to 11 U.S.C. § 707(a)(3) without further notice. I (we) further declare under penalty of perjury that I (we) signed the original Statement of Social Security Number(s), (Official Form B21) prior to the electronic filing of the petition and have verified the 9-digit social security number displayed on the Notice of Meeting of Creditors to be accurate.

☐ If petitioner is an individual whose debts are primarily consumer debts and who has chosen to file under a chapter: I am aware that I may proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, understand the relief available under each chapter, and choose to proceed under this chapter. I request relief in accordance with the chapter specified in this petition. I (WE) _____ and _____, the undersigned debtor(s), **hereby declare under penalty of perjury** that the information provided in the electronically filed petition, statements, and schedules is true and correct.

☒ If petitioner is a corporation or partnership: I declare under penalty of perjury that the information provided in the electronically filed petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor. The debtor requests relief in accordance with the chapter specified in this petition.

☐ If petitioner files an application to pay filing fees in installments: I certify that I completed an application to pay the filing fee in installments. I am aware that if the fee is not paid within 120 days of the filing date of filing the petition, the bankruptcy case may be dismissed and, if dismissed, I may not receive a discharge of my debts.

Dated: **February 5, 2020**

Signed:

Michael S. Tomaszewski
(Applicant)

(Joint Applicant)

PART II - DECLARATION OF ATTORNEY

I **declare under penalty of perjury** that the debtor(s) signed the petition, schedules, statements, etc., including the Statement of Social Security Number(s), Official Form B21, before I electronically transmitted the petition, schedules, and statements to the United States Bankruptcy Court, and have followed all other requirements in Administrative Orders and Administrative Procedures, including submission of the electronic entry of the debtor(s) Social Security number into the Court's electronic records. If an individual, I further declare that I have informed the petitioner (if an individual) that [he or she] may qualify to proceed under chapter 7, 11, 12 or 13 of Title 11, United States Code, and have explained the relief available under each chapter. This declaration is based on the information of which I have knowledge.

Dated: **February 5, 2020**

David H. Ealy, Esq. 2020832
Attorney for Debtor(s)

Address of Attorney
d/b/a Trevett Cristo
Two State Street, Suite 1000
Rochester, NY 14614
(585) 454-2181 Fax:(585) 454-4026
dealy@treveccristo.com